IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3888 OF 2004

Dattatray Aba Latne .. Petitioner.
Vs.
Chander Narayan Koli .. Respondent.

Mr.Milind Deshmukh for the petitioner.
Mr.Sameer S.Tambekar i/b Mr.Vikas Shivarkar for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 4TH OCTOBER, 2004

P.C.:

. Mr.Deshmukh, learned counsel for the petitioner.

2. This petition is directed against the order dated 1.12.2003 passed in Miscellaneous Civil Appeal No.38 of 2003 by which the appeal has been allowed and the order passed by the trial court dated 25.7.2003 below application Exhibit-5 has been set aside. The trial court by its order dated 25.7.2003 had allowed the application filed by the plaintiff and restrained the defendant from causing obstruction to the petitioner’s possession and construction in the suit property. The impugned order was passed on 1.12.2003. There is no injunction running against the respondent since

then. Considering that and keeping in view the well settled position in law that this court is not expected to reassess the material and seek to reach the conclusion different from the one reached by the courts below, if one reached by the courts below was reasonably possible on the material. From the perusal of the impugned order and other material it cannot be said that the conclusion arrived at by the courts below is not possible. No case for interference in the impugned orders is made out. The petition, therefore, fails and is dismissed as such. The trial is expedited.

(D.B.Bhosale, J.)